

Translation

Doc

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E. Mohr Mersing

OFFICE COPY OF THE SHERIFF'S COURT'S RECORDS

for

THE CITY OF COPENHAGEN COURT

Received
June 17, 1980

On the 2nd June at 13.15 o'clock in the afternoon the Sheriff's Court was formed by Judge Laif Sørensen at the Court House.

Case Forb. 78-389-043560 - prohibitive injunction case was heard:

Court Stamps

The Scientology Church of Denmark

v.

1) Det Bedste fra Reader's Digest ApS

and

2) Mr. Mogens Nielsen, Editor, responsible under the press law.

For the plaintiffs appeared Mr. Bent Falk-Rønne, Attorney, who produced the application of 7th May, 1980 with exhibits 1a-1d.

For the defendants appeared Mr. Erik Mohr Mersing, Attorney, who produces exhibits A-A.

The attorneys stated the case.

Mr. Falk-Rønne changes the claim to be as follows:

"Det Bedste fra Reader's Digest ApS" and Mr. Mogens Nielsen, Editor responsible under the press law, shall be prohibited from publishing or circulating the following statements contained in Eugene H. Methvin's article: "Scientology. Anatomy of a Frightening Cult."

1. "His churches have paid him a certain percentage of their gross profits usually 10 percent and have enormous riches hidden in bank accounts in i.a. Switzerland, all this is controlled by Ron Hubbard and his wife."

2. "The Scientology priest carefully notes all intimate confidences i.a. sexual or criminal activities or problems in marriages and families. According to the church's own documents and to affidavits from "defectors", such notes are filed with a view to extorting a member (or a member's family) who may raise problems by threatening to defect, go to the authorities or start hostile propaganda."

Mr. Mersing claims that the injunction shall not be allowed to be proceeded with, primarily according to section 647(2) and alternatively in pursuance of section 648(2) of the Danish Administration of Justice Act.

Eugene H. Methvin explains - duly admonished - that he is senior editor at Reader's Digest in Washington D.C. where he has been employed since 1960. His fields are i.a. criminality and extremist organizations etc. He has for several years collected material about the Scientology movement and since 1st December 1979 he has worked whole-time on the article in the May issue of Reader's Digest. The article is based on material from the Scientology movement and on material from legal actions and court inquiries. The information in the article has been examined and checked 100%. This also applies to the statements for which a prohibitive injunction is claimed. These statements are based on Scientology material, court inquiries and information from defected members. He has not directly talked to persons who have said that they paid money to Switzerland, but he has talked to an official representative from the Scientology movement in Switzerland who neither confirmed or denied that 10 percent of the gross profits were paid into accounts in Switzerland. This conversation took place in February 1980. The information about extortion comes from many sources, i.a. Scientology documents and information from a former priest in the movement, Miss MacLean. The witness is certain that this form pressure also takes place in Denmark as the churches always obey orders from Ron Hubbard.

As a witness appeared David Otis Fuller jr., who duly admonished - states that he is a member of The New York Bar, and that he is employed by Readers's Digest Legal Department. Before it was published he read Methvin's article and found that according to existing law in New York, it was legal to publish the article.

Mr. Mersing, Attorney, substantiated exhibits A-A and pleaded the case. In support of his claim for dismissal in pursuance of section 647(2) of the Administration of Justice Act he stated that the statements concerned are based on actual facts and are thus true, that the statements do not in particular aim at Danish conditions and therefore are not unlawful in relation to the plaintiffs, that the statements are not in fact unlawful since the press has a particularly wide freedom of expression with regard to religious and political movements, and that besides the article is an expression of legal retaliation, cf. exhibit Z.

In support of his claim for dismissal in pursuance of section 648(2) of the Administration of Justice Act, Mr. Mersing stated that in all circumstances it must be presumed that the provisions of the Criminal Code give the plaintiffs sufficient legal protection.

Finally Mr. Mersing has claimed that the plaintiffs are ordered to pay costs and in this connection he has informed that the defendant's expenses in connection with the calling of witnesses amounts to 50 - 100,000 Dkr.

The case was stayed for continued procedure on Monday the 9th June, 1980 at 1 o'clock in the afternoon.

The Sheriff's Court was adjourned
Leif Sørensen

c o o

On the 9th June, 1980 at 1 o'clock in the afternoon the Sheriff's Court was formed by Judge Leif Sørensen at the Court House.

The following Prohibitive Injunction case was heard:

The Scientology Church of Denmark

v.

1) Det Bedste fra Reader's Digest ApS

and

2) Mr. Mogens Nielsen, Editor, responsible under the press law.

(last heard on June 2, 1980, page 389).

For the plaintiffs appeared Mr. Bent Falk-Rønne, Attorney, who produced exhibits 2-10.

For the defendants appeared Mr. Mønsing, Attorney, who produced Exhibit A-1 and B-1.

As a witness appeared Mr. Per Schiøtz, who duly admonished - explains that he has been a priest in the Scientology Church for the past 10 years, 9 of which was spent in Denmark. For about 1 year he has been priest in USA and various other countries. He gives spiritual guidance for about 7 hours a day and he has administered such guidance in about 12,000 instances. Notes are taken of what people tell him. This is first of all done in order that the supervisor can check that the priest has given the spiritual guidance correctly. The notes are filed in a locked safe to which only the supervisor and 3 priests of the church know the code. The witness has never disclosed things confided in him, and he knows for certain that this does not take place in the church. Nor is there any extortion, force or pressure towards members of the church or other persons.

Mr. Falk-Rønne, Attorney, proved the exhibits 1 - 10 and pleaded the case. In support of his claim for the injunction, he stated that the statements for which injunction is claimed attacks on the plaintiff's honour as they contain i.a. accusations of criminal offences. The accusations affect the Scientology Church as a whole, and the Danish Scientology Church must be entitled to legal protection against such accusations. He found that it was proved that the statements concerned

incorrect, and that the conditions for an injunction to be issued be fulfilled. Furthermore he did not find that the general rules of criminal legislation give sufficient legal protection to the plaintiffs. He finally found that an injunction should be issued without any security being placed as the defendant would not suffer any loss in this connection and that no compensations for costs should be awarded in connection with the hearing of the case.

Gene H. Methvin stated - again duly admonished - that exhibits M,N and some from the District Court in Washington D.C. Judge Ritschie released these and other documents in the fall of 1979. The exhibits have been procured by the F.B.I.

Reply and Rejoinder were exchanged between the attorneys. During this exchange Mr. Mersing stated that Methvin's article would be brought in the August issue of Det Bedste.

At 15.15 o'clock the following Order was issued:

O R D E R

It is not found that in the evidence produced there is proof that the statements for which an injunction is claimed to prohibit publication and circulation are true or untrue.

In deciding the case the basis must, however, be that the statements which have already been published in several other countries, that is i.e. in the U.S.A., West Germany, France and Norway do not in particular aim at Danish conditions. With respect hereto the court does not find that it has been verified that a publication of the statements in this country is unlawful in relation to the plaintiffs.

Irrespective that it could be assumed that a publication or circulation of the statements would be against the plaintiffs' rights on account of their general nature, it must otherwise be assumed that the punishment which the general rules of the law provide for for such an offence give sufficient protection to the plaintiff, cf. section 648(2) of the Administration of Justice Act.

It is therefore not found that the application for a prohibitive injunction shall be proceeded with and not against security placed by the plaintiff either in accordance with section 647(1) of the Administration of Justice Act.

It is found that the claim made by the defendant's attorney for an award of costs should under the circumstances be admitted to the extent stated below.

THE DECISION OF THE COURT IS:

The injunction claimed shall not be proceeded with.

The plaintiffs, the Scientology Church of Denmark are ordered within 14 days from this Order to pay costs of Dkr 2,000.- to the 2 defendants "Det Bedste fra Reader's Digest A/S" and Mr. Mogens Nielsen, Editor.

Leif Sørensen

Mr. Falk-Rønne, Attorney reserved the right to appeal the order to the Eastern Division of the Danish High Court.

The Court adjourned

Leif Sørensen

THIS IS TO CERTIFY the correctness of the Office Copy. The City of Copenhagen's Sheriff's Court this 11th day of June, 1980.

By order

(signature)

Translation

Shorthand Report of Hearing of witnesses

in

The Eastern Division of the Danish High Court,
Division 14,

Wednesday, March 11, Thursday, March 12, Friday, March 13,
and Monday, March 16, 1981.

Jakob Andersen - Scientology

503/1978 (7043)

Mr. Jørgen Jacobsen, Attorney

Mr. Jakob Andersen, Reporter

v.

Mr. Erik Jensen and Mr.
V. Leifer, Attorneys

Mr. Per Olof Jørgensen, Mr. Robert
("Bob") Metzler, Mr. Peter Jensen
and the Church of Scientology Denmark

cf. 386/1976 (6538)

Mr. Jakob Andersen

v.

The Church of Scientology Denmark
represented by Mr. Carl Heldt, Priest,
Mr. Allan Juvoner, Priest, Mr. Carl
Heldt, Priest and Mr. Peter Jensen,

cf. 393/1979 (6638)

The Church of Scientology Denmark

v.

Mr. Jakob Andersen

cf. 398/1979 (6739)

Mr. Jakob Andersen
Walter H. Bowart

cf. 416/1979 (6977)

Mr. Jakob Andersen

v.

The Church of Scientology Denmark,
Mr. Peter Jensen, Priest and Mr. Erik
Hærest, Editor

prepared by authorized court stenographer Mr. Bjørn Einesen

Testimony of Ms. Vibeke Damman, Oslo

PRESIDING JUDGE: You have been summoned to appear in this court to give evidence on the request of the plaintiff. You must know that you are liable to tell the truth in court, and that you give evidence on oath.

JACOBSEN: In which period have you been in Scientology?

DAMMAN: I started in October, 1973 and ended in November, 1979.

JACOBSEN: In which period have you been with Guardian's Office?

DAMMAN: From the middle of 1978 until November 1979

JACOBSEN: In which capacity? What was your position?

DAMMAN: I started as something called project organizer. It is an event which is arranged by scientologists in various parts of the world, and at that time it was arranged in Copenhagen. It was my job to see to it that it went well.

LEIFER: Couldn't we have it made clear....

JACOBSEN: I would like not to be interrupted by Mr. Leifer.

LEIFER: Yes, but ...

PRESIDING JUDGE: Your opponent has asked that you do not interrupt this testimony.

LEIFER: Well, but there have been incorrect statements already.

PRESIDING JUDGE: That may be, but during the cross-examination you will get the opportunity to ask questions about it.

JACOBSEN: What did you end as? In which position did you end?

DAMMAN: I became head of the bureau which is called Social Coordination. I was there until May, 1978 when I became Director of Rehabilitation within the same bureau.

ERIK JENSEN: Now I have to interrupt. I could not hear the witness.

JACOBSEN: Were you "Assistant Guardian"

2.

DAMMAN: No. Yes, that is Assistant Guardian for Social Coordination.

PRESIDING JUDGE: I understood that you had been there from 1973 till 1979. When was it that you got that position?

DAMMAN: When I became head of the bureau called Social Coordination, from December, 1976 until May, 1978 when I became Director of Rehabilitation within the same bureau. I had that position until November, 1979.

LEIFER: I would like to say that what I was interested in having clarified was where Mrs. Damman worked, because as far as I know, she did not work at time of the conversation in question with Mr. Jørgensen at Jernbanegade 6, and she had no connection with Mr. Jørgensen.

PRESIDING JUDGE: Well, but....

LEIFER: Then it is not very important if she has no connection with him.

JACOBSEN: Time is running. It takes five minutes and then I am not allowed to examine my witnesses.

LEIFER: We must stick to what is important and relevant..

JACOBSEN: You should have thought about that when you examined your witness.

PRESIDING JUDGE: That's enough now.

JACOBSEN: And about time. I would like to ask you: What is the function of Guardian's Office.

DAMMAN: To take care of all outside public, i.e. people who are not already in the Scientology organization. That public is people who are against scientology, it is the press, well, lawsuits - like this one - it is all, how do you put it, "charitable" work in quotes.

LEIFER: Why quotes?

PRESIDING JUDGE: Mr. Leifer, you really must stop now.

DAMMAN: I will get back to that.

JACOBSEN: I would like to ask you: Was it Guardian's Office special job to fight enemies of Scientology?

DAMMAN: Yes, it is especially that they deal with.

JACOBSEN: What's the channel of command? Who is at the head of Guardian's Office? At the end of your line there?

DAMMAN: The Guardian's Office where I worked?

JACOBSEN: In Copenhagen.

DAMMAN: In Copenhagen it is Bob Metzler.

JACOBSEN: Who was his immediate superior?

DAMMAN: Jane Kember.

JACOBSEN: Is it so that the Guardian's Office Denmark cannot do anything important, e.g. bring an action, without the approval of the Guardian's Office World Wide in England?

DAMMAN: Yes.

JACOBSEN: Does that mean that all actions which are brought in this country are brought in accordance with instructions from or conference with Guardian's Office World Wide?

LEIFER: Sorry, but that is a leading question.

JACOBSEN: I am getting very tired of listening to Mr. Leifer's interruptions.

LEIFER: And I am tired of listening to the way you ask questions.

PRESIDING JUDGE: Please leave that to me. There is no reason at all to believe that any problems will arise. It is the party's own witness.

DAMMAN: I don't mind answering. It is correct that any lawsuit which takes place in Copenhagen is first programmed from the Guardian Office, and then it is sent to the Guardian's Office World Wide for approval, revision, and then it is sent back here to be carried out.

JACOBSEN: Are decisions made elsewhere sometimes - not only decisions I mean, but the very decision that anything is to be done at all - without anything being said about it from Denmark?

DAMMAN: Sorry, I did not understand the question.

JACOBSEN: Well, it may not be very easy. There has been a libel action against Professor Schulsinger. Do you know anything about it?

DAMMAN: Yes, I have written about it too.

ERIK JENSEN: Now I cannot hear again. Would Mrs. Damman please speak directly to the judge.

JACOBSEN: Tell briefly about who made the decision to bring an action for libel against Professor Schulsinger.

DAMMAN: That decision was made at the Guardian's Office World Wide in England.

ERIK JENSEN: Good, thank you.

PRESIDING JUDGE: We can avoid this confusion if you speak as loud as possible - and if the other side keeps quiet.

DAMMAN: Yes that would be nice.

JACOBSEN: How do you know that?

DAMMAN: I saw the program when it came from the Guardian Office World Wide. It was written at World Wide before it came to Denmark. It came to the place where I worked the Guardian's Office Europe, and then the order was that it was to be carried out at the Guardian's Office Denmark.

The suggestion for the program has probably been made from Denmark, but approved in England and cannot be carried out in Denmark without approval i.e. in England.

JACOBSEN: What do you mean by "the program"?

DAMMAN: A program is written where you proceed step by step. There are many things to be done when an action is to be brought.

First you have got to find proof and then the whole action is planned in phases in advance before it is carried out, before summons and complaint is issued, or whatever it may be. For instance, in the Schulsinger case the group involved is to - it was the Citizens Commission on Human Rights - that group must receive instructions and training in what they are going to say when they appear in court, etc. All these things are written down in various phases. E.g. Item 1: Get hold of Ingelise Hooernaert. Item 2: Tell her what to say in court. Item 3...

JACOBSEN: Does that in fact mean that a program is prepared for how the scientologists are to explain in court?

DAMMAN: Yes.

JACOBSEN: A program is made?

DAMMAN: Yes.

JACOBSEN: Is it so that the scientologists are encouraged to say something other than the truth? I can hardly believe that.

DAMMAN: Yes.

LEIFER: Now I must point out one thing. Earlier today a witness was told that the witness should observe the duty as a witness. This witness should be aware that in all probability the Church will make her responsible for what she says here as perjury.

PRESIDING JUDGE: You know your duty as a witness. I assume that you have fully realized the situation in advance.

LEIFER: I conducted the case against Schulsinger and won it.

JACOBSEN: So Mr. Leifer has the floor more than I do.

PRESIDING JUDGE: I am doing my best. But on the other hand, I think that should be granted that Mr. Leifer was right at this time to interrupt. I point out that he on his part would warn the witness - in the same manner you warned his witness earlier today. There must be an adequate balance.

JACOBSEN. Yes, it could have been said from the beginning.

You say that you know that instructions have been given that if necessary the scientologists are to lie in court, and you hold to that under oath?

DAMMAN: Yes.

JACOBSEN: Where have you seen it?

DAMMAN: I have seen it because at one time I was involved in writing out the program the legal department here sent for approval. Phase by phase is written what witnesses, if any, in a lawsuit which was in Holland were to explain in court, and it included outright lies. I knew that at the time I was writing it out.

LEIFER: Excuse me, Holland....

PRESIDING JUDGE: Now you stop.

LEIFER: But it was against Schulsinger.

PRESIDING JUDGE: Mr. Leifer, we have always been on good terms with each other. You are the oldest attorney in this city and enjoy great respect.

LEIFER: That is correct, but I was the one who conducted the case against Schulsinger, and it had nothing to do with Holland.

PRESIDING JUDGE: That may be so, but we must have peace now. Otherwise I will not be able to preside in a manner which all can be satisfied with.

JACOBSEN: Have you personally received or carried out orders from the world headquarters?

DAMMAN: Yes.

JACOBSEN: Have you ever received orders to the effect that should be made to annoy a person or institution?

DAMMAN: Yes.

JACOBSEN: Could you give some examples?

DAMMAN: Yes. The National Society for the Welfare of the Mentally Ill (Sjæforeningen for Sindslidendes Vel, LSV). As head of the Social Elimination bureau I ran or directed i.e. the group which was called the Citizens' Commission on Human Rights. Its object is to annoy psychiatrists. So its declared aim is to have human rights introduced for psychiatric patients, but with regard to the National Society for the Welfare of the Mentally Ill we also got instructions to see to it that LSV was annoyed as much as possible by the things we could come up with.

DR. JENSEN: Excuse me, what is LSV?

JACOBSEN: The National Society for the Welfare of the Mentally Ill. It has been said several times.

DAMMAN: There were instructions from England that we should take care to go after that society as much as we could. We appeared at meetings and tried to confuse the meetings and were to take care that anything we got to know about the society which could be interpreted negatively was spread to the press etc. in an attempt to sort of putting them in a bad light.

JACOBSEN: Can you mention any examples of a person?

DAMMAN: Within the LSV or generally?

JACOBSEN: Yes, I asked you if you had received orders to try to annoy any person or institution.

DAMMAN: Yes, Mr. Finn Jørgensen psychiatrist at the Saint Hans Hospital for mentally ill.

JACOBSEN: Any other examples?

DAMMAN: Not that I can recall right now.